

**IN RE: APPEAL OF JOSE R. GOMEZ  
CORNIEL RELATIVE TO A PROPERTY  
LOCATED AT 216 LANCASTER AVENUE,  
CITY OF READING, BERKS COUNTY,  
PENNSYLVANIA**

**: BEFORE THE ZONING HEARING  
: BOARD OF THE CITY OF READING,  
: PENNSYLVANIA  
:  
: APPEAL NO. 2021-35  
:  
: VARIANCE, INTERPRETATION  
: AND/OR SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING  
BOARD OF THE CITY OF READING**

AND NOW, this 12th day of January, 2022, a hearing having been held on December 8, 2021, upon the application of Jose R. Gomez Corniel, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

**FINDINGS OF FACT**

The Zoning Board finds the following facts:

1. Applicant is Jose R. Gomez Corniel, an adult individual residing at 1222 North 14<sup>th</sup> Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located at 216 Lancaster Avenue, City of Reading, Berks County, Pennsylvania 19611 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the Commercial Highway (H-C) Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant was represented by Joan London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.
5. Testimony was presented by Applicant and Miguel Herrera who was qualified as an expert in architecture, land development and planning.
6. Applicant seeks a special exception to operate an automotive repair business at the Subject Property.

7. Applicant is requesting relief from Sections 600-810.B.(4) and 600-605 of the Zoning Ordinance, and all associated Variances, Special Exceptions and Interpretations.

8. Applicant proposes to convert the previous permitted principal use from manufacturing (knife manufacturer) to an automobile repair shop which is permitted by special exception in the C-H Zoning District.

9. The Subject Property is currently being used as automotive repair without zoning approval.

10. The automotive repair business would operate during weekday hours and would not be open on Sunday.

11. There will be two service bays at the Subject Property

12. Applicant will have one employee in addition to himself.

13. All auto body repair work would take place on the interior of the building located on the Subject Property, there would be no outdoor storage of vehicles that are disassembled, wrecked or junked, and outdoor storage of vehicles would be limited to thirty days.

14. Applicant will take all required measures to prevent noise, dust, fumes, especially paint fumes from going beyond the property lines.

15. There will be no mechanical repairs performed at the Subject Property.

16. The existing residential apartment located on the Subject Property will be demolished and that area will be used for parking.

17. Applicant believes the proposed use is a lesser intensity than the former knife manufacturing use because there are less employees and customers will need to make appointments.

18. Applicant and his witnesses have no personal knowledge with respect to the former nonconforming use.

19. Applicant does not believe the proposed use will interfere with neighboring properties or light and air to neighboring properties.

20. Applicant does not believe the proposed use will create additional traffic congestion or undue concentration of population.

21. A neighbor raised concerns over parking and trash at the Subject Property during the past year.

22. In addition, the neighbor raised concerns about the Applicant parking vehicles on the street and adjacent alley during the past year which interfered with residential parking.

23. The Zoning Board finds the proposed special exception is too intense for the Subject Property and the neighborhood in general.

24. Applicant is unable to provide sufficient parking at the Subject Property for the proposed use.

25. The Zoning Board finds the Subject Property can be used in conformity with the Zoning Ordinance and the proposed special exception is more intense than the previous use.

26. There is no hardship at the Subject Property.

### **DISCUSSION**

Applicant seeks a special exception to operate an automotive repair business at the Subject Property. Applicant's proposed use will be a detriment to the health, safety and welfare of the neighborhood and is more intense than the previous use. The Board finds there is no hardship at the Subject Property.

### **CONCLUSIONS OF LAW**

1. Applicant is Jose R. Gomez Corniel.

2. The Subject Property is located at 216 Lancaster Avenue, City of Reading, Berks County, Pennsylvania 19611.

3. The Subject Property is located in the Commercial Highway (H-C) Zoning District.

4. Applicant seeks a special exception to operate an automotive repair business at the Subject Property.

5. The specific sections of the Zoning Ordinance appealed are Sections 600-810.B.(4) and 600-605 of the Zoning Ordinance.

6. In order to grant the requested special exception, Applicant must show he has satisfied the relevant sections of the Zoning Ordinance.

7. The Zoning Board incorporates the findings of fact as though fully included herein.
8. After reviewing Applicant's request in detail, the Zoning Board enters the following decision:
  - a. Applicant is hereby denied the special exception because no hardship exists at the Subject Property, the proposed use is more intense, and the proposed used is a detriment to the health, safety and welfare of the neighborhood.

The decision of this Board is by a vote of 5 to 0.

**ZONING HEARING BOARD OF THE CITY  
OF READING**

/s/ Philip M. Rabena

**PHILIP M. RABENA, CHAIRMAN**

/s/ Thomas Fox

**THOMAS FOX**

/s/ Jeffrey Gattone

**JEFFREY GATTONE**

/s/ William Harst

**WILLIAM HARST**

/s/ Jared Barcz

**JARED BARCZ**